

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 27729 of 2006(A)

PETITIONER:

K.P.GOPALAN, S/O.NARAYANAN,
KOLLAMPARAMBIL HOUSE, MUNDAYAM PARAMBU P.O.,
KANNUR DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS:

1. AYYANKUNNU GRAMA PANCHAYATH, REP.
BY SECRETARY, KANNUR.
2. THE SECRETARY, AYYANKUNNU GRAMA
PANCHAYATH, KANNUR.
3. THE DEPUTY DIRECTOR OF PANCHAYATH,
KANNUR.
4. THE DIRECTOR OF PANCHAYATH,
THIRUVANANTHAPURAM.
5. STATE OF KERALA, REP. BY THE SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

R1 & 2 BY ADV. SRI.R.SURENDRAN
R3 TO 5 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K. DENESAN, J.

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W.P. (C) No.27729 OF 2006 A
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Dated this the 19th January, 2007

J U D G M E N T

The petitioner retired from service on 30-6-2005 while working as Junior Superintendent in the Panchayat Department. He has not been paid full D.C.R.G. and the travelling allowance for the period from 18-3-2004 to 30-6-2005. As per Ext. P2 proceedings the Deputy Director of Panchayats quantified a sum of Rs.1,39,269/- towards liability to be recovered from the D.C.R.G. of the petitioner. Against Ext. P2 the petitioner filed Ext. P3 representation. A major portion of the liability is based on the report furnished by the 1st respondent-Panchayat. In the counter affidavit filed by the 1st respondent the particulars of the amount due to the Panchayat from the petitioner are furnished. Copies of certain documents also have been produced as Exts. R1(a) to (f). Respondents 3 to 5 have filed a statement. It is seen from the statement that the total amount payable as D.C.R.G. after revision is Rs.2,12,240/-. Out of that, Rs. 72,971/- has already been released to the

petitioner. The statement shows that a sum of Rs. 80,715/- has been waived and that much amount has been deducted from the liability of Rs.1,39,269/- originally quantified as per Ext. P2. Therefore, the balance amount due to the petitioner is Rs.80,715/-. The liability now fixed is Rs.58,554/- as against Rs.1,39,269/-.

2. Counsel for the petitioner submits that the fixation and the quantification of Rs.58,554/- as balance liability is not supported by any reliable material, and therefore, the fixation of liability is unsustainable. It is contended that travelling allowance is due for the period from 18-3-2004 to 30-6-2005.

3. As regards the travelling allowance, the stand taken by the respondents is that the petitioner has been paid amounts upto October, 2004. Therefore, some more amount is due to the petitioner, admittedly, from November, 2004 to the end of June, 2005 towards travelling allowance.

4. Having regard to all facts and circumstances, I am inclined to dispose of the writ petition as follows:

i) The respondents shall pay Rs.80,715/- to the petitioner towards balance gratuity as admitted by them, within one month from the date of receipt of a copy of the judgment.

ii) Dispute relating to the quantification of liability as Rs.58,554/- shall be settled by the 4th respondent-Director within a period of two months from the date of receipt of a copy of the judgment. The petitioner is free to file objection, against the quantification of liability, before the 4th respondent. On receipt of such objection the relevant records shall be called for from respondents 1 to 3 and opportunity of being heard shall be afforded to the petitioner and the 1st respondent before final determination of the liability. Objection shall be filed before the 4th respondent within ten days from the date of receipt of a copy of the judgment.

iii) Travelling allowance due to the petitioner from November, 2004 to June, 2005, as admitted by respondents 3 to 5, shall be paid to the petitioner within six weeks from the date of receipt of a copy of the judgment. The dispute relating to the period from

March, 2004 to October, 2004 shall be settled by the 4th respondent with notice to the petitioner. Appropriate decision shall be taken within six weeks from the date of receipt of a copy of the judgment.

K.K. DENESAN
JUDGE

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